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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 JOHN ROBERT DEMOS JR.,

10 Petitioner,

11 v.

12 STATE OF WASHINGTON,

13 Respondent.

Case No. C17-1125-RSM-JPD

REPORT AND RECOMMENDATION

14 **Bar-order litigant John Demos** filed a proposed 28 U.S.C. § 2254 habeas petition.
15 Dkt. 1. He has not paid the filing fee. An Order of this Court provides for the return without
16 filing of any petition by Mr. Demos that seeks an extraordinary writ pursuant to 28 U.S.C. §§
17 1651, 2253 or 2254, unless accompanied by the filing fee. *See Demos v. Stanley*, MC97-0031-
18 JLW (W.D. Wash. Mar. 13, 1997).

19 As petitioner has submitted no filing fee, the Court recommends that, pursuant to the
20 Court's Order of March 13, 1997, the Clerk be DIRECTED to administratively close this matter
21 and to strike any pending motions as moot. Moreover, Mr. Demos may not proceed with a
22 second or successive habeas petition here unless and until the Ninth Circuit authorizes its filing.
23 *See* 28 U.S.C. § 2244(b)(3)(A). A proposed Order is attached.

Objections to this Report and Recommendation, if any, should be filed with the Clerk and served upon all parties to this suit by no later than **August 31, 2017**. Failure to file objections within the specified time may affect your right to appeal. Objections should be noted for consideration on the District Judge's motion calendar for the third Friday after they are filed. Responses to objections may be filed within **fourteen (14)** days after service of objections. If no timely objections are filed, the matter will be ready for consideration by the District Judge on **September 1, 2017**.

This Report and Recommendation is not an appealable order. Thus, a notice of appeal seeking review in the Court of Appeals for the Ninth Circuit should not be filed until the assigned District Judge acts on this Report and Recommendation.

Dated this 10th day of August, 2017.

James P. Donohue

JAMES P. DONOHUE
Chief United States Magistrate Judge